HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.24231 of 1997

Dated this the 12th day of December, 2007

Between:

Srimanthu Raja Yarlagadda Harsha

.... Petitioner

AND

The Commissioner,
Govt. of A.P., Endowments Department,
Hyderabad and 4 others ..... Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.24231 of 1997

ORDER:

This Writ Petition has been filed by the petitioner seeking to declare that the action of the respondents in not recognizing him as member of the founder's family of the Sri Amareswara Swamivari Temple, Amaravathi, Guntur District as bad in law and violative of the provisions of the Charitable and Hindu Religious Institution and Endowments Act, 1987 (for short
'the Act') and consequently to declare the petitioner as sole member of the founder's family of the said temple.

2) The petitioner is claiming that he is the member of the founder's family. The fifth respondent herein filed W.P.No.23433 of 2003 to declare that he is the member of the founder's family and while disposing of the said writ petition, this Court directed the fifth respondent to approach the Deputy Commissioner of Endowments under Section 87 of the Act for the said purpose. Accordingly, the fifth respondent filed an application before the Deputy Commissioner under Section 87 (1)(h) of the Act to declare him as member of the

founder's family.

3) The present writ petitioner approached this Court through this writ petition of the year 1997 to declare him as member of the founder's family. Since there is a rival claim between the present petitioner and the fifth respondent, the office of the Deputy Commissioner is the proper forum to decide as to who is entitled to be recognized as member of the founder's family.

4) It is represented by the respondents' counsel that the petition filed under Section 87 of the Act by the family members of the fifth respondent are pending before the Deputy Commissioner. The present petitioner can also approach the Deputy Commissioner for a similar relief so that the Deputy Commissioner can make an enquiry and pass orders according to law.

5) In the result, the Writ Petition is dismissed giving liberty to the writ petitioner to file an application before the Deputy Commissioner of Endowments under Section 87 (1)(h) of the Act to declare him as member of the founder's family of the temple and the Deputy Commissioner shall entertain the said application and decide it along with other applications of the said temple after giving opportunity to all the parties to adduce oral and documentary evidence and pass appropriate orders according to law. No costs.

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Dr. G. YETHIRAJULU, J

Date: 12—12--2007
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